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ABSTRACT

On August 15, 1970 the Board of Regents adopted a resolution favoring incorporation of student publications so that the University of Maryland would no longer be the publisher, and recommended that a study be undertaken of the ways the separation could be implemented. In cooperation with the Department of Journalism, the Commission conducted a survey of student attitudes toward student publications, contacted other institutions which had created independent student publications, met with administrators, and discussed the issue with student government heads and student publication editors. This paper considers the problem, the 10 publications concerned, staff selection, current publication status, and arrangements elsewhere before offering a series of recommendations. The Commission believes that while student publications can be published independently, they must remain a part of the University community. Thus, they deserve financial assistance if, after good faith efforts, they cannot cover legitimate expenses with revenues. (JS)

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REPORT OF REGENTS' COMMISSION TO ADVISE THE BOARD
ON HOW TO SEPARATE THE STUDENT PUBLICATIONS
AT THE UNIVERSITY OF MARYLAND FROM THE UNIVERSITY

The Commission

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REGENTS' COMMISSION TO ADVISE THE BOARD ON HOW TO
SEPARATE THE STUDENT PUBLICATIONS AT THE
UNIVERSITY OF MARYLAND FROM THE UNIVERSITY
University of Maryland, College Park 20742

Dr. Louis L. Kaplan
Chairman of the Board of Regents
University of Maryland
Baltimore, Maryland 21201

Dear Dr. Kaplan:

The Regents' Commission to Advise the Board on How to Separate the Student Publications at the University of Maryland from the University submits herewith its final report. The Commission was established in accordance with a resolution of the Board of Regents adopted on August 15, 1970 which stated:

The Board of Regents favor the incorporation of student publications so that the University would no longer be the publisher. Further, the Committee recommends that a study of the ways of implementing the proposed separation be undertaken by a representative commission to be appointed by the Board and that a report be made no later than February 1, 1971.

In carrying out its charge, the Commission sought counsel and opinions from a wide variety of sources. In cooperation with the Department of Journalism of the University of Maryland it conducted a survey of student attitudes towards student publications on the College Park campus. It contacted a number of other universities which had in one form or another created independent student publications to determine their approach. It met with several members of the Board of Regents and with President Elkins. It invited heads of student governments and student publication editors from each campus to appear before it, and heard their views and discussed the problem with them.

As the report indicates, the Commission found that there is no ideal solution to the problem which the Regents posed. Nevertheless, it

is the unanimous view of the Commission that its recommendations, if carried out, would provide a method of creating independent student publications while at the same time considering these publications an integral part of the University community.

Finally, while the Commission itself was not charged with answering the question of whether the creation of independent student publications would be desirable, but only with the task of determining how that should be done, its members, nevertheless, believe that the Board of Regents' decision to establish the independence of student publications was a wise one.

The members of the Commission wish to thank Mr. Philip C. Geraci, Lecturer in the Department of Journalism, who provided the staff work for the Commission, undertook extensive research and assisted in the drafting of its report. The members also wish to thank Miss Sue Lynch, of the President's Office, who served as Secretary to the Commission.

Cordially,

Charles Schultze
Chairman

CS:SL

INTRODUCTION

University administrations across the land have been beset in recent years by a growing surge of editorial independence on the part of editors of student publications. The results of greater student independence, and the result this has had on conventional bounds of editorial license, have often placed university authorities between student editors and vocal segments of the university community demanding complete freedom of expression and state legislators, and equally vocal segments of the public demanding the suppression of materials outraging their sensibilities. Whatever role university authorities may--wrongly or rightly--have wished to play in censoring student publications has been denied by recent court decisions.

The problem is certainly not unique to the University of Maryland. It was somewhat later coming to College Park than to some large educational institutions elsewhere, but its arrival here created no fewer difficulties for the University.

Here the University of Maryland has been, and is, the legal publisher of student media. In the minds of many outside the University community it is not only legally but practically responsible for the contents of student publications. Yet, as long as present court decisions stand, it is neither possible, nor even desirable, for University authorities to exercise the traditional responsibilities and duties of a publisher.

The only mechanism which connects the University with student publications is a Committee on Student Publications and Communications, which has been unable to function effectively for a number of reasons--many beyond its control. This committee has no budgetary power over publications, and it has functioned primarily as a medium of editorial personnel selection and appointment. Although the Publications Committee could, indeed, remove an editor, removal would not solve the fundamental problem which arose by virtue of the fact that the University Administration, though publisher by law, neither can nor should exercise the rights of a publisher where student media are concerned.

In commercial publishing, ultimate authority resides with the publisher. Such has not been the case at the University of Maryland. Neither the Committee on Student Publications nor the publication advisors which it appoints has authority to deal with editorial matters of concern to the University which arise on a day-to-day basis, as commercial publishers have. Moreover, the University community has largely opposed censorship on grounds of principle. Student publications, written by and for students, which remain within the academic community are not likely to be a source of difficulty to the University, regardless of their contents. But student publications sometimes generate wide attention, particularly when their content deviates from the conventional norm in such matters as obscenity. The most violent reactions to student publications have emanated from sources outside of the University community.

BACKGROUND

Ten publications edited and produced totally by students serve the four campuses of the University of Maryland.

The Eastern Shore campus publishes a yearbook called The Hawk. The Baltimore County campus publishes a newspaper called The Retriever and a publication called the Literary Magazine. Three publications serve the diverse interests of students on the Baltimore City campus: The Asclapian, The Maryland Law Forum, and the Reflector. On the College Park campus there are five publications: the Diamondback, a newspaper; a yearbook, previously titled Terrapin but known in 1970-71 as US; two magazines, Argus and Calvert; and Course Guide, an annual report evaluating individual faculty and courses.

The University is also served by many other publications edited by students, faculty or administrative personnel and funded by diverse means. None, however, receives money from the Student Activities Fee, and thus they were not considered to be a part of this study.

It is interesting to note that funding also varies among those publications which the Commission considered. All College Park publications receive funds from activities fees, as do those from the Baltimore County campus. The Baltimore City campus publications, however, are funded partially through a dues procedure which differs in some respects from that which applies in University of Maryland divisions elsewhere. For that reason, the Commission felt that the Baltimore City campus

publications should be treated somewhat differently than the other publications, and provided the mechanism for so doing in its recommendations.

The diversity of student publications may be illustrated by the five which serve students in College Park.

The Diamondback is a daily newspaper of six to eight pages, published during those weeks of the fall and spring semesters when school is in session. A single editor supervises a large staff consisting of five "daily" staffs (one for each issue), a sports staff, and a business staff. All staff members, including reporters, are volunteers. The newspaper is not connected with the Department of Journalism, which neither funds it nor sponsors any of its activities.

The Diamondback has been ranked in size among student newspapers serving campuses with enrollments of more than 15,000. It has frequently been rated "All America" by the National Associated Collegiate Press, the highest award possible. By most standards of professional judgment, it is considered to be an excellent student newspaper.

Since becoming a daily in 1968, the Diamondback's costs of publishing have risen from \$131,091 in 1968 to \$179,956 in 1969, and \$195,882 in 1970. Expenses for 1971 have been projected to be \$236,778.

These expenses have been offset by two main sources: advertising revenue, which in 1970 and 1971 covered 70 and 60 percent, respectively; and annual appropriations from student activity fees voted through the Student Government Association. In 1970 this appropriation

was \$46,440, and in 1971 it was \$48,000.

The yearbook, previously known as the Terrapin, is an annual publication primarily of photographs, produced by a small staff supervised by an editor, managing editor and business manager. The yearbook has grown in size in recent years, pacing University enrollment growth, to a 1970 total of 560 pages. Until 1970, the yearbook was supported entirely by Student Government Association appropriations, which amounted to \$64,500 in 1968, \$79,000 in 1969, and \$40,440 in 1970; the big drop in 1970 being due to a substantial decrease in the number of copies printed.

A significant change in yearbook concept has been underway over the past few years, and is being reflected in a drastic reduction in its cost. Prior to 1970, all students who paid an activities fee were, theoretically, entitled to a yearbook. To meet this entitlement, print orders in 1969 totaled 18,000 copies, this total being arrived at by an estimate of the number of students likely to demand an annual.

In 1970, a reservation system was instituted whereby students other than seniors were required to pay a \$3.00 fee and, in effect, order their yearbook in advance. Demand under this system was so reduced that only 5,000 copies were needed, resulting in a considerable saving in printing costs.

In 1971 in a move toward the greater financial independence, all students were required to pay a \$5.00 fee. A demand was predicted

of 3,000 to 5,000 yearbooks. Appropriations in 1971 totaled \$24,000. Advertising was attempted in 1971 for the first time.

Publications have required a substantial portion of the student activities fee (38% in 1968-69; 33% in 1969-70). The Diamondback and Terrapin have traditionally been the high cost, high circulation publications of the University of Maryland, but notoriety, and the difficulties which result, have not been chiefly the product of these "major" publications as much as of the newer, less costly but no less vigorous publications, Calvert (formerly Calvert Review, a literary magazine) and its newer companion, Argus.

By comparison with Diamondback and Terrapin, funding for Calvert has been very small; \$3,000 in 1968, \$3,650 in 1969, and \$3,870 in 1970. Calvert's annual expenditures of nearly the same amounts have covered the printing of 5,000 copies. Calvert has not solicited advertising. Its staff is small.

Argus began in 1967 as a "photo-feature" publication. Its appropriations were \$7,000 in 1968, \$12,300 in 1969, and \$12,567 in 1970. Advertising has been a small income producer, bringing in from seven to ten percent of its total income over the four years of its existence. Single copy sales, begun in 1970, provided an equal amount. Twenty-five cents per copy produced \$1,503 in 1970. In 1971 the appropriation to Argus was raised to \$24,535, during a period in which budgets for other student publications were being carefully scrutinized by the Student Government

Association and, in most cases, trimmed substantially.

Course Guide began in 1967 with an appropriation of \$4,500.

It subsequently received \$5,000 in 1968, \$6,600 in 1969, and \$12,319 in 1970, producing two issues in 1970 and one annual issue in each of the other years.

By contrast with the Terrapin's 1969 appropriation of \$79,000, the Reflector of the University's School of Dentistry in Baltimore had an annual budget of \$200 in 1970. Smaller press runs, less frequent publication, and fewer pages per issue in the Baltimore City publications have led to the conclusion on the part of the Commission that the administrative structure proposed for College Park would be overly burdensome for the Baltimore City publications, and perhaps also for the Baltimore County campus and the Eastern Shore campus.

STAFF SELECTION

Editors of the College Park publications have for many years been selected by a faculty-student body known informally as the "Publications Board," and officially as the University Senate Adjunct Committee on Student Publications and Communications. The procedures for editorial selection have varied somewhat from year to year, according to the views of the individuals serving on the committee and its chairmen. Usually, a subcommittee has screened applicants and presented its recommendations to the full committee for action.

Due to the transient nature of the committee chairmen and members, poor attendance on the part of many faculty members, and a general lack of publications expertise among members of the selection committee and among the faculty makeup of the committee as a whole, the Publications Committee has not exerted significant impact, even in the choice of editor. As a practical matter, the editors of each publication have often chosen their successors by voting as a group, more often for the nominees of each editor. The editors have also provided the expertise lacking on the committee as a whole. Since the Publications Committee is constituted of half students and half faculty, absentee faculty members throw the voting weight to the students who, if they choose, can vote as a block.

It should be noted that students have not always voted as a

block. Nor have faculty members always voted in opposition to students. But on the matter of personnel selection, the trend has usually been for the editors, in effect, to choose their successors.

CURRENT PUBLICATIONS STATUS

The Adjunct Committee on Student Publications and Communications is one of seven which function under the General Committee on Student Life and Welfare of the University Senate (Paragraph III E 4 (2), Faculty Organization of the University of Maryland, September 23, 1955).

Officially, this committee is charged with the "responsibility of setting policy for and advising student publications and communications of the College Park campus." When constituted, the committee requested of the University Senate "final authority to administer" student publications and communications. The Policy Statement which has governed its actions ostensibly spelled out how those responsibilities were to be met.

Unfortunately, instead of giving the Committee the "final authority" which it sought, the Senate really gave it power only to appoint editors, and this it did in some detail. The document is vague on procedures for removing editors, requiring only that the committee give "careful consideration to the charge and provide ample time for all testimony."

In practice, the committee has served as a buffer between the administration and the student editors on the one hand, and the student government association and the student editors on the other. Almost universally, the committee has voted favorably to the student editors, and rarely to enforce an administrative stand, particularly in recent

years. Committed to oppose censorship (paragraph II D), the committee has consistently functioned after the fact. Its sole contact with routine publications operations has been through the vague and tenuous influence of publications advisers.

The committee is large and unwieldy, with a present membership of 30, despite a stipulation (Paragraph IV A) providing for a membership of "a) 8 student members; b) 8 faculty members, and c) a faculty chairman." Editors of new student publications funded by the Student Government Association have routinely received membership on the committee. Each such seating has been matched by the Executive Committee of the University Senate (which appoints faculty membership) with a faculty appointee, to maintain the student/faculty balance.

On financial matters, the committee has power only to recommend. While it has a standing subcommittee on business, this subcommittee never has concerned itself with publishing costs, printing contracts or other vital matters, but has left such decisions to negotiations between student editors and members of the Student Government Association finance committee (themselves usually inexperienced in publishing matters).

There has been considerable confusion over the role to be played by the Publications Committee. It is neither a publisher nor a body of expert advisers. Many faculty members have regarded membership on the committee as an unrewarding chore. Student editors have

generally found the committee a sympathetic forum.

As a result, the committee has fulfilled its role of appointing editors, has deliberated with varying decisions many vital issues facing the student press in College Park, has made numerous recommendations regarding fiscal or other matters to the Student Government Association or the Administration, but has lacked the final, specific, single authority over student publications which is the necessary and vital role of a publisher in any environment.

ARRANGEMENTS ELSEWHERE

To guide it in its deliberations, the Commission examined some of the steps taken by other universities, faced with similar problems, who elected to meet them by pursuing a course of financial and/or legal independence for their student publications.

A commission which investigated student publications and their methods of operation in the University of California system recommended Boards of Publications for each campus, the role of such boards to be that of active publisher, "assuming responsibility, directing editors, and otherwise accepting the duties falling on any publisher." The Commission recommended that, in terms of makeup, the Boards be "reasonably representative of the communities served." Student members would come from "standard, accepted organizations which operate in normal legislative patterns."

It was recommended that those publications which would be financed through student fees do so via contract agreements completed before each school year, and that similar contracts be negotiated with the University for delivery of copies. It should be noted that the California Commission felt the contract procedure would be preferable to sales of space to the University or Student Government Association because it offered the least potential for problems.

An incorporated body called the Purdue Student Publishing

Foundation operates The Exponent at Purdue University. Under this body's Articles of Incorporation, the publishing corporation functions under the guidance of a Board of Directors of 11 persons, including four students elected by the Student Senate, three faculty members elected by the University Senate, and the students who each year hold the positions of Editor, Managing Editor, Business Manager and Board Member on The Exponent.

The corporation was established to "edit, print, publish, sell and distribute...a student newspaper (The Exponent)...and such other student publications as the members of the corporation shall determine desirable." The corporation was given the power to negotiate directly with all interested parties regarding printing, sale and distribution of its publications.

Student publications at the University of Illinois are managed by the Illini Publishing Company under a charter which grants authority "to publish and distribute student publications, to operate other related student enterprises in the field of mass communications and to do a general printing and publishing business."

An eight-member Board of Directors manages the company. Four of the members are faculty members appointed by the Chancellor, one of whom serves as Chairman of the Board and President of the Company. The other four are students, elected by students. As at Purdue, the Illini Publishing Company has authority to contract for all

necessary services, including printing, advertising and distribution.

Particulars vary at each of the schools which have dealt with publications problems through incorporation or similar devices. But the purpose of all of them is the same: to shift from the shoulders of university administrators (or their campus agents) the increasingly weighty burden of student publishing and to invest in a legally constituted body the true powers and responsibilities of a publisher. Under current arrangements neither the power nor the responsibilities of a publisher can actually be exercised.

Almost universally, the problems have been the same. Only the methods of approaching them have differed, and these differences have been more in terms of the structure and legal status of the separate entities which have been devised to manage student publications than in terms of the overall approach taken. Most universities want to see their publications independent, their editors able to make independent decisions, bearing the full responsibility therefor. It is simply that the universities themselves neither any longer want, nor in practice are able to exercise, the responsibilities of publisher.

Legal separation, for most universities, has provided a solution. Like all solutions it is not perfect, but constitutes a decided improvement over the prior situation.

RECOMMENDATIONS

The Commission feels that the approach taken by those universities which have separated student publications from their administrations in a legal sense would be proper for the University of Maryland and, accordingly, recommends that an independent corporation be formed to become the legal publisher of all student publications which are financed by student activities fees disbursed by the various student governments on the various campuses. There would be one such entity for each campus of the University with a Board of Directors to be established as follows:

1. Three student members, who are not themselves members of the Student Government Association or editors or staff members of any publications, to be appointed by the Student Government Association.
2. Three faculty members to be nominated by the Executive Committee of the Faculty Senate and confirmed by that entire body.
3. Two editors jointly selected by all of the editors of the various publications on a particular campus to be selected immediately after editors for publications have been appointed. Their term of

office would begin May 1. The editor memberships would rotate among the publications, with no publication being represented for more than one consecutive term.

Each of the above memberships would be for one year terms.

4. Four members from the general public, at least one of whom should have an editorial background. The public members should have no official connection with the University of Maryland. For the College Park campus Board of Directors they should be appointed by the Chancellor from a list of candidates selected by a three-member committee consisting of the Chancellor, the Chairman of the Department of Journalism, and the Editor of the Diamondback. On other campuses a committee as nearly approximating this one in makeup should be the appointing body. The terms of the public members should be for four years, and they could be reappointed. Terms should initially be staggered, so that one appointment or reappointment is made each year.

5. A General Manager would be appointed by the Board of Directors to serve at the pleasure of the Board, and would, upon appointment, become a voting member.

The Commission feels very strongly that the success of the new corporations will hinge in part on the professional quality of the public members of their boards. We have specified that at least one of the public members should have an editorial background. In order to preserve the flexibility of the chancellors and their nominating committees, we have not further specified. We strongly urge, however, that the public members primarily be selected from among persons with a range of experience in the publishing profession, giving particular attention to editorial backgrounds, but also seeking to bring to the boards a person or persons with legal or financial experience in publications.

The corporations would be the legal publishers and would have all rights and prerogatives of publishers everywhere, including the right to appoint and remove editors, to initiate and/or approve editorial budgets, to conduct business with printers and advertisers, to prorate student activities funds received from the student government associations and other income among the various publications, and to arbitrate disputes. Its actions would be final, and would be legally binding upon all publications concerned. All publications receiving financial support from student

activities fees or other University sources should be under the aegis of the corporation (with the exception of informal newsletters and the like sometimes published by fraternities and dormitory associations with token financial support from the Student Government Association).

The name of the corporation should be chosen by the Board of Directors after their informal establishment as recommended. Each issue of each publication of the corporation should carry in a prominent place the name of the publishing corporation and a clear statement that it is an independent corporation and not an official organ of the University of Maryland.

Should experience ultimately indicate the wisdom of providing a separate publisher for one publication, for example the Diamondback, the Board of Directors should be free to establish a subsidiary corporation to undertake these responsibilities.

The Commission believes that many publications (again, at least on the College Park campus) can gradually move toward more complete financial self-support, through advertising or subscription revenues. Additional support would be made available through contract negotiations with the Student Government Association under which the Board of Directors would agree to provide various publications for the campus. The University would continue to provide space at zero or nominal charge.

To assure independence for the corporations, the contract with the Student Government Association would be in terms of an annual lump

sum subsidy covering all publications. At the same time, in negotiating that amount, the Board of Directors would be expected to support its request with specific justification based on the costs and revenues of each publication and the services it provides the University community.

It should be noted that the Commission considered at great length a scheme by which the Student Government Association and the University would provide some financial support by purchasing space in one or more of the student publications, in lieu of a contractual arrangement. We discarded this approach because of the many problems it potentially could create, and because we felt that it would imply too great a distinction between the student publications and the University community as a whole. While the publications are to be independent of the official organization of the University, they are still a part of the University community.

If the Board of Regents accepts our recommendations, a substantial amount of detailed financial and legal preparation will be necessary before a proposed Board of Directors can be established on each campus as an independent legal entity, ready to assume its duties as publisher. We recommend, therefore, that the respective Boards of Directors be established on an informal basis as soon as possible, through the selection of their members as outlined on pages 17 and 18. In turn, the Boards would undertake the tasks necessary to establish themselves as formal entities. We recognize that in order to accomplish

this end, various services of a legal and financial nature will be required and that a modest amount of expense may be incurred. It is the feeling of the Commission that the Board of Regents should see that provision is made to meet such needs.

Finally, one important thread has run through all of the Commission's deliberations. While we believe that the various student publications can be made independent, and published under the responsibility of an independent publisher, they will, and indeed must, remain a part of the University community. They are student-edited. They provide very important services to that community, services of an educational, informational and literary nature. Imaginatively and responsibly conducted, they can help weld the diverse elements of a large university into a cohesive force. It is for this reason that we have recognized the need and justification for a financial subsidy to those publications which, after a good faith effort, cannot cover legitimate expenses with revenues.

A final word of caution: The creation of independent legal status can remove most, if not all, of the contradiction inherent in the current peculiar status of the University Administration serving as publisher without publisher's powers, but it cannot solve the problems which will occur if the Boards of Directors consistently fail to exercise their powers responsibly. This is not to downgrade what we believe to be the important goal our recommendations can accomplish. It is merely to recognize the inescapable fact that student publications, precisely because they are

student publications, can be separated from the University Administration, but not from the University.